IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY EIGHTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

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WRIT PETITION NO : 18434 of 2004

Between:

Smt. D. Jayasree, W/o. Late K. Jayaram Prasad,
Aged about 42 years, House wife,

Plot No. 66, NGOs Colony, Adoni, Kurnool District.

..... PETITIONER

AND

1. The Zonal Manager, Life Insurance Corporation of India,
   Hyderabad.
2. The Divisional Manager, Life Insurance Corporation of India,

Cuddapah.
3. The Branch Manager, Life Insurance Corporation of India,
   Adoni, Kurnool District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents in non-payment of family pension of petitioner's late husband K. Jayaram Prasad (SR No. 610005), to the petitioner, as illegal, arbitrary and violative of Art, 14 and 21 of the Constitution of India and consequently direct the respondents to pay the family pension from the date of the death petitioner's husband with interest.

For the Petitioner: MR.B.VIJAYA BHASKER, ADVOCATE

For the Respondent Nos.1 to 3: MR.M.V.SURESH STANDING COUNSEL FOR L.I.C.

The Court, at the stage of admission, made the following:

O R D E R:

The petitioner claims that she is the wife of late Sri K.Jayaram Prasad, an employee of the respondent corporation, who died in harness on 13-11-2002 while in service. The petitioner contends that she is entitled for the terminal benefits and also for payment of the family pension. She contends that she was granted some terminal benefits, but the family pension was not fixed. Therefore, she approached this Court seeking to declare that the action of the respondents for non-payment of the family pension to the petitioner, as illegal, arbitrary and violative of Articles 14 and 21 of the Constitution of India.

The petitioner claims that she is the wife of the deceased employee. She gave a legal notice to respondents 2 and 3 requiring them to grant family pension to her. A reply was given by the second respondent on 07-09-2004 to the effect that as the matter referred by them is pending with the Zonal Office, they will write to the petitioner after hearing from the first respondent-Zonal Office. The grievance of the petitioner is that though more than two years elapsed, the respondents failed to fix the family pension in her favour.

The learned counsel for the respondents represented that the petitioner is the second wife of the deceased employee. Therefore, they could not finalise the issue regarding the release of the pension in favour of the petitioner. The respondents are expected to pass appropriate orders within a reasonable time. Since two years have already been elapsed from the date of death of the deceased, it is appropriate to issue a direction to the respondents to pass appropriate orders regarding the payment of the family pension to the petitioner.

In the light of the above circumstances, the respondents are directed to take appropriate steps regarding the request of the petitioner for payment of the family pension and pass appropriate orders after examining the entire record whether the petitioner is entitled for family pension, if so, to arrange payment of the said pension at the earliest. If they come to a conclusion that the petitioner is not entitled to family pension, they shall inform her through a letter bringing the factors that prevented them for releasing the pension in her favour, within two months.

The writ petition is accordingly disposed of.

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28-10-2004.

To

1. The Zonal Manager, Life Insurance Corporation of India, Hyderabad.
2. The Divisional Manager, Life Insurance Corporation of India,

Cuddapah.

3. The Branch Manager, Life Insurance Corporation of India, Adoni, Kurnool District.

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